

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Joseph Dixon,

Plaintiff,

v.

Civ. No. 06-597 (JNE/JJG)  
ORDER

Roberto Rodriguez and  
AHR Construction, Inc.,

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Jeanne J. Graham, United States Magistrate Judge, on March 13, 2006. The magistrate judge recommended that Plaintiff's application to proceed without prepayment of fees be denied and that this action be dismissed for lack of subject matter jurisdiction. Plaintiff objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See D. Minn. LR 72.2(b)*. Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Plaintiff's "Application to Proceed Without Prepayment of Fees" [Docket No. 2] is DENIED.
2. This action is DISMISSED for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(h)(3).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 17, 2006

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge